

REMARKS

I. Introduction

Claims 1-22 are currently pending in the application. Claims 1, 7, 9-10, 12, and 18 have been amended. Claims 23-24 have been added. Applicant respectfully submits that no new matter has been added. Applicant respectfully requests reconsideration of the pending application in view of the foregoing amendments and the following remarks.

II. Objection to Claim 9

The Office Action objects to claim 9's recitation of "middleware bindings." In response, Applicant has amended claim 9 to recite "a plurality of middleware bindings." Claim 10 has also been amended to correspond with the amendment to claim 9. Applicant respectfully requests that the objection to claim 9 be withdrawn.

III. Objection to the Abstract

The Office Action objects to the abstract for containing language that does not contribute to the invention. With the understanding that the abstract will not be used to limit or in any way interpret the claims, Applicant has submitted a replacement abstract.

IV. Rejection under 35 U.S.C. § 101

Claims 1-22 stand rejected under 35 U.S.C. § 101 as not being directed to patentable subject matter. More specifically, the Office Action asserts that independent claims 1 and 12 recite a collection of programs *per se* without mention of a useful, concrete, and tangible result. To address this rejection, Applicant has amended independent claim 1 to clarify that the framework is for *creating a customized core product to meet a service need specific to the customer that is not met by the core product* and to recite that *the customized core product includes and functionally utilizes the core product in its unaltered form along with any specialized, replacing, or added services*. Independent claim 12 has been similarly clarified.

Assuming for sake of argument that claims 1 and 12 were not directed to patentable subject matter prior to this amendment, Applicant respectfully submits that independent claims 1

and 12 each now clearly produce a useful, concrete, and tangible result, namely: a customized core product as defined by the respective claims. Claims 2-11 and 13-22 depend from and further restrict one of independent claims 1 and 12. Applicant respectfully submits that, for at least this reason, claims 2-11 and 13-22 are also directed to patentable subject matter. Applicant respectfully requests that the 35 U.S.C. § 101 rejection of claims 1-22 as not being directed to patentable subject matter be withdrawn.

V. Rejection under 35 U.S.C. § 102

Claims 1-5, 7-16, and 18-22 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,560,633 to Roberts et al. ("Roberts"). Roberts discloses a method and apparatus for creating network services. Instead of programming or hand coding a web service, Roberts discloses providing the ability to create a template that produces code that may be utilized to create a web service. Thus, according to Roberts, a template is formed and utilized to create a model that can generate an application or web service.

A. Claim 1

Claim 1 is directed to a system for at least one of specializing, replacing, and adding services of a service oriented architecture. Applicant respectfully submits that Roberts fails to disclose at least the following features required by amended independent claim 1: **(1)** a framework for *creating a customized core product to meet a service need specific to the customer that is not met by the core product* such that *the customized core product includes and functionally utilizes the core product in its unaltered form along with any specialized, replacing, or added service*; and **(2)** the feature that *the service need is a service need that is not shared by any other customer*.

- 1. Roberts fails to disclose a framework for *creating a customized core product to meet a service need specific to the customer that is not met by the core product* such that *the customized core product includes and functionally utilizes the core product in its unaltered form along with any specialized, replacing, or added service* as required by**

claim 1.

The Office Action cites a template author application, discussed in col. 15 lines 40-50 of Roberts, as a *core product* according to claim 1. *Office Action*, p. 4. Even if Roberts' template author application may be considered a core product, Applicant respectfully submits that Roberts fails to disclose creating a customized core product to meet a service need specific to the customer that is not met by the core product as required by claim 1. Roberts teaches using the template author application to edit a template for a web service application. The template author application in Roberts invokes a feature editing UI template to obtain input values for a feature that is to be written to the template. Once the feature is added to the template, Roberts teaches calling a regeneration service to generate a resulting web service application. Applicant respectfully submits that this process results in a new or different application from the asserted core product (template author application) rather than a customized core product as required by claim 1. For this reason, Applicant respectfully submits that amended claim 1 is patentably distinct from Roberts.

Moreover, amended claim 1 requires the creation of a customized core product that includes AND functionally utilizes the core product in its unaltered form. Taylor discloses storing an old runtime model once a new runtime model has been created to protect against failure of the new runtime model. *Taylor*, Col. 16 lns. 51-58. The Office Action cites Taylor's storage of the old runtime model as corresponding to the unaltered core product claimed in claim 1. However, Applicant respectfully submits that, in addition to not corresponding to the core product (cited to be the template author application), mere storage of an old runtime model clearly does not correspond to the inclusion and functional utilization requirements of amended claim 1. For this additional reason, Applicant respectfully submits that Roberts fails to anticipate claim 1.

2. Roberts fails to disclose the feature that the *service need is a service need that is not shared by any other customer*.

Additionally, Applicant respectfully submits that Roberts is directed to solving a different problem from the present application and, as a result, lacks the customer specificity required by claim 1. Roberts attempts to create custom applications that dynamically invoke and

interconnect any of an already existing combination of web services that are available to a template author application. *Roberts*, col. 2 lns. 12-21 and col. 15. In contrast, Applicant respectfully submits that customization of a core product according to claim 1 is *to meet a service need specific to the customer* such that *the service need is not shared by any other customer*. Applicant respectfully submits that *Roberts* is restricted to adding or using one of a specific set of services available to a template author application and fails to teach these distinguishing features of claim 1. Thus, Applicant respectfully submits that claim 1 is patentably distinct from *Roberts*.

3. Conclusion

For each of these independent reasons, Applicant respectfully submits that *Roberts* fails to anticipate amended claim 1. Therefore, Applicant respectfully requests that the 35 U.S.C. § 102 rejection of claim 1 as anticipated by *Roberts* be withdrawn.

B. Claim 12

Independent claim 12 is directed to a method for at least one of specializing, replacing, and adding services of a service oriented architecture. For reasons similar to those given with respect to independent claim 1, Applicant respectfully submits that *Roberts* also fails to anticipate claim 12. Applicant respectfully requests that the 35 U.S.C. § 102 rejection of claim 12 as anticipated by *Roberts* be withdrawn.

C. Dependent Claims 7, 18, and 23-24

Dependent claims 7 and 18 have been amended and claims 23-24 have been added.. Applicant respectfully submits that each of these dependent claims are directed to middleware-related features that are not disclosed or rendered obvious by *Roberts*. Applicant respectfully submits that claims 7, 18, and 23-24 are in condition for allowance on their own merit.

D. Dependent Claims 2-5, 7-11, 13-16, and 18-22

Dependent claims 2-5, 7-11, 13-16, and 18-22 depend from and further restrict in a patentable sense one of independent claims 1 and 12. For at least the reasons given with respect

to independent claims 1 and 12, Applicant respectfully submits that claims 2-5, 7-11, 13-16, and 18-22, and 19-22 are also in condition for allowance. Applicant respectfully requests that the 35 U.S.C. § 102 rejection of claims 2-11 and 13-22 as anticipated by Roberts be withdrawn.

VI. Rejection under 35 U.S.C. § 103

Claims 6 and 17 stand rejected 35 U.S.C. § 103 as being rendered obvious by Roberts. Claims 6 and 17 depend from and further restrict in a patentable sense independent claim 1 and independent claim 12, respectively. For reasons similar to those given above with respect to claims 1 and 12, Applicant respectfully submits that Roberts fails to render these or any other claims obvious. For at least this reason, Applicant respectfully submits that claims 6 and 17 are in condition for allowance. Applicant respectfully requests that the 35 U.S.C. § 103 rejection of claims 6 and 17 be withdrawn.

VII. Conclusion

In view of the foregoing amendments and remarks, Applicant believes the pending application to be in condition for allowance. A Notice to that effect is respectfully requested.

Dated: June 2, 2008

Respectfully submitted,

By 

Ross T. Robinson

Registration No.: 47,031

WINSTEAD PC

P.O. Box 50784

Dallas, Texas 75201

(214) 745-5400

Attorneys For Applicant